

Board of Commissioners

September 6th, 2011 – 8:15 a.m.

Meeting called to order by President Gogel. Parties present are as follows: Gogel, Logsdon, Toler, Board Attorney Lindsey, Auditor Lynam, Hwy Superintendent Painter and Engineer Lloyd.

Minutes

August 2nd, 2011; Toler made a motion to approve the minutes. Logsdon seconded. All were in favor.

August 16th, 2011; Toler made a motion to approve the minutes. Logsdon seconded. All were in favor.

August 29th, 2011; Logsdon requested the last line under CR 500/CR 2200 be struck from the record. It was agreed.

Logsdon made a motion to approve the minutes with the following sentence taken out of the minutes: "Over a 15 year period the road upgrade could save the county money". Toler seconded. All were in favor.

Claims

Logsdon requested purpose of claim #295, Vendor 8018, Steve Haaff to be paid out of Community Corrections fund 298 Account #000-4362.00 and the Disbursement of \$100,000 out of Rainy day fund. Steve Haaff is hired by Community Corrections to assist in instructing and transporting nonviolent offenders for projects in the community. Haaff turns in a claim to the county to be paid once per year. The \$100,000 disbursement from Rainy day is due to accelerating health cost this year. Logsdon made a motion to approve the claims. Toler abstained due to a company that he works for, Sceptre Mechanical, Inc., Vendor #19160, having claim # 218 amount of \$660 due to be paid from the Highway's Fund # 201, Account #004-4362.00 in the Spencer County Claims Docket August 31, 2011 Gogel seconded. Motion carried. Logsdon stated Spencer County is fortunate to have Sceptre Mechanical, Inc. in our county. Toler was thanked by Logsdon for taking care of the county highway emergency.

Ordinance 2011-10 - Vacating of Lots Lincoln City- First Reading

Eileen Woolsey from Wetherill's Law Office acting for the Estate of Joe A. Hevron respectfully petitioned the Board of Commissioners of Spencer County, Indiana, to vacate a plat of lots located in Lincoln City, Spencer County, Indiana, described and identified as follows:

Lots 1, 2,3,4,5,6,7,8,9,10, 11, and 12 in Block 43, Lincoln City, Indiana, Also lots 1, 2,3, 4,5,6,7,8,9,10, 11 and 12 in Block 46, Lincoln City , Indiana and all of Blocks 44 and 45 in Lincoln City, Indiana.

The reason for this request to vacate said plat of lots is as follows: On January 22, 2004, the Board of Commissioners approved the rezoning of the above real estate from that of R-1 to A for the use of pasture land, and reaffirmed same on July 19, 2011. For the past several years, the above described real estate has been used solely for the purpose of pasturing sheep and cattle. Gogel stated this is unplotting these lots it is not vacating any roads, alleys or right-of-ways. Ordinance #2011-10 was presented to the commissioners. Logsdon made a motion to introduce and to acknowledge this first reading of Ordinance #2011-10. Toler seconded. All were in favor. There will be a second reading of Ordinance #2011-10 held on September 20, 2011.

Legal Report

Lincoln Boyhood National Memorial

Kendal Thompson, Superintendent of LBNM came before the commissioners to present a formal petition concerning the closing (not vacating) of 700' on County Road 300E. Thompson also presented a maintenance agreement on the last part of the document. There is an interest in vacating within five years. Logsdon made a motion to approve this petition and to make the findings in this partition. Toler seconded. All were in favor. Superintendent Painter and Attorney Lindsey had a meeting with Kendall Thompson with the Lincoln Boyhood Memorial last Thursday, September 1, 2011. At that meeting Thompson indicated that as far as the closing which was approved, his superiors had said Thompson got ahead of himself. Therefore, Thompson doesn't want to put up signs to close it, at this point. However, Thompson does want to move forward in the thinking process of possibly vacating the entire road from 162 to 1625N. The proposition is that the county takes up one half of the lane that was originally scheduled to close along with the vacated process. Basically, have the county mill one of the lanes from 1625N to the railroad tracks, which is the 700' that was already scheduled to be closed. Gogel state the Lincoln Boyhood Memorial doesn't want so much blacktop correct? Lindsey agreed. Lindsey stated they had a fruitful discussion on this concept and the county needs to consider a few things. There is cost of bringing in a milling machine if the county agreed to do this. Gogel stated the cost of milling probably doesn't cover the product recovered. Lindsey stated if we do endure the cost of milling in lieu of repaving (in future when needed) it may be

worth our (counties) while. This is discussion for consideration this fall and for possible action next summer. Commissioners and Attorney discussed further.

Drug and Alcohol Policy

Cindy Painter, County Highway Secretary and Attorney Lindsey had been working to revise the 1995 Drug and Alcohol Policy the county currently has in place. Lindsey requested the commissioner's consideration of this revision of which he handed out to the commissioners today. Lindsey asked that the commissioners review and advise as to any changes prior to the next commissioners meeting if at all possible so he would be able to introduce it for adoption at that time. Logsdon requested a condensed list of the changes to the current policy.

Work history supplied to the commissioners from Attorney Lindsey.

Engineer Report

Engineer Lloyd previously emailed the commissioners a link of a letter that came down from the State originating from the Federal Government. This link stated from this date forward they are ceasing awarding any Federal Funding. In relation to this any Federal funds allocated to a project that is not currently in process need to be addressed. Spencer County has two projects that need to be addressed which are Huffman Mill and Base road. Lloyd stated the county either needs to let the Federal funding go by sending a letter stating why we are doing so or we are going to have to make a decision to move forward on these projects. These are our options. There was further discussion. Lloyd will prepare a communication draft of commissioners concerns for their review and will present them at the next commissioners meeting due to their decision to releasing the current Federal funds allocated to the county.

Engineer Bid Opening

CR 225E- from SR 62 to SR 68

Engineer's Estimate - \$210,322. All bids contained the preference letter. Gohmann Asphalt total bid price \$174,671.60. J.H Rudolph total bid price \$183,484. E & B Paving total bid price \$218,900 and Metzger Construction total bid price was \$207,620. Toler made a motion to take bids under advisement. Logsdon seconded. All were in favor. Gogel asked for public comment. There was none. Engineer recommended Gohmann Asphalt. Toler made a motion to accept engineer's recommendation. Logsdon seconded. All were in favor.

CR 300E from CR 200N to dead end

Engineer's Estimate- \$138,137. Gohmann Asphalt total bid price \$116,228.50; J.H Rudolph total bid price \$121,716. E & B Paving total bid price \$140,900 and Metzger Construction total bid price was \$143,714. Logsdon made a motion to take bids under advisement. Toler seconded. All were in favor. Gogel asked for public comment. There was none. Engineer recommended Gohmann Asphalt. Toler made a motion to accept engineer's recommendation. Logsdon seconded. All were in favor.

Ordinance #2011-09

Attorney Lindsey stepped out of the commissioners meeting. Cara Matthews came before the board and discussed Ordinance #2011-09. Matthews stated the only change from her last presentation to the board to this ordinance was on page 3 Section A: Public Sewer Availability (1). Matthews added "As required by Indiana Code and Indiana Administrative Code" (and she referenced the code #13-26-5-2) to the first line of this section. There was discussion between Matthews and Gogel concerning clarification of Section B: System Requirements (2) (b). This is just an update of counties ordinance due to State changes. The only change as far as the counties ordinance goes is the ability to fine an installer, if need be, opposed to revoking or suspending an installers license. This change can be found on page 8 (top of page) (b). Health board has approved this option. Logsdon stated he would like to have legal guidance on this paragraph, namely "Any installer who is in violation of this ordinance "can be" fined for the first offense not more that \$500". Richard Wetherill representing Matthews stated that it is discretionary. Current ordinance in place for the past 13 years is an immediate suspension of license which is radical. This change allows for the installer to come before the health board to state their case and is much more lenient. Gogel stated in other words going from a "shall" to a "may". Logsdon stated the first hearing there were citizens present that made the comment that commissioners should read and understand the IDEM statement for residence unable to pay for connection (HB1197). Logsdon reviewed HB 1197. There was discussion. Wetherill stated that every entity must comply with state law. The county cannot deviate from state law. This does not have to be in the ordinance because it is implied and does not have to be expressed. HB 1197 is covered in counties

ordinance. Matthews stated as far as abandoning your septic system in the past it was strongly recommended that septic systems be abandoned; However as of January 1st of 2011 septic systems are required to be abandoned. This is the second reading. September 20, 2011 the commissioners will vote on this matter.

Embry Investment

Gogel spoke to Wetherill concerning an incorrect legal description on a Corporate Warranty Deed. Wetherill stated they were given incorrect information and it is being corrected. No further discussion.

Highway Report

Superintendent Painter stated they are finishing up work on CR700W this morning. County has some work they are completing on CR 100 by the water tower and they are finished with work on CR 200S. Painter and Lloyd discussed with the commissioners concern over asphalt work done by J.H Rudolph. Commissioners considered concerns. Lloyd will check with other engineers and the state on concern. Painter stated you can pull rubber up out of the pavement. Coring was suggested. Logsdon stated he would inquire with other county commissioners to see if they require a warranty on paving projects. Discussion on revising bid specs.

Union Meeting

Painter suggested contacting the Union representative to set up a meeting to discuss union contract due to it expiring the end of this year. Logsdon suggested either September 20 or October 18, 2011 at 10 a.m. Painter will confirm time with commissioners.

Darrin Bettag

Darrin Bettag came before commissioners to request road work on CR 550E north and south of Hwy 70, 600N, 700 and 690 from Hwy 245. Bettag conveyed to the commissioners his and others concerns of the narrow roads and some being almost impassable. You have to pull off if you meet a school bus. Gogel stated CR 690 is a narrow road. Bettag had previously come before the commissioners with a petition of over 100 signatures concerning these roads. Gogel asked Bettag which road is the one that needs work first. Bettag stated that there are 16 houses on CR 550 and in his opinion it would need the first attention. There was discussion. Over one half the roads in the county are gravel.

Court House Civil War Ball

Gay Ann Harney came before the commissioners to request the use of the court house for the Friends of Lincoln Pioneer Village for the use of the Civil War Ball on Friday, September 23, 2011 for set-up through Sunday, September 25, 2011 for any necessary access for clean up. Logsdon made a motion to allow the use of the court house for the purpose. Toler seconded. All were in favor.

Recessed at 10:08 a.m.; Reconvened at 10: 15 a.m.

AFLAC

Bart Mundy came before commissioners to request to offer a new product to county employees at a one on one meeting with them and establishing a new open enrollment. New product presented "Lump Sum Critical Illness plan and Group Accident Insurance", with pay in addition to other plans employee may already have. Logsdon made a motion to give permission to AFLAC to offer this plan to the county employees at no cost to the county and allowed waiving the open enrollment to presentation mid-October and the effective date set for December 1, 2011. Toler seconded. All were in favor. AFLAC will return in March 2012 on the traditional policies.

911

Home telephone fees concerning 911. Jim McDurmon came before the commissioners to discuss the raising of the \$1.75 fee per telephone line by .43 cents. (\$2.18 total fee) Lindsey stated the County Fiscal Body or Council has the authority to change the current ordinance and it would be effective upon the first day of the second month after the month during which the ordinance is adopted. Auditor will give McDurmon date and time to go before the council to discuss this topic further.

EMA - Roof Repair

Commissioners discussed the bid specs for the repair of the EMA roof. Bid opening on October 4th, 2011.

Eck Mundy

Gary Eck, owner of Eck Mundy associates came before the board to discuss access to county records. The commissioners agreed for Eck to preform an audit of data protection in the courthouse. Cost would be \$750 - \$1,000

for this audit. Eck was given permission to perform this audit, after a letter drafted to the Auditor by email from Eck giving all court house departments acknowledgement of this impending audit to prepare them accordingly.

Jail

Sheriff, Kermitt Lindsey came before the commissioners to discuss alternate area to store files that are currently stored in old jail due to confidentiality of jail records. Sheriff Lindsey was advised to check with Prosecutor, Kelly Johnson for an alternate location.

Adjourned

Logsdon made a motion to adjourn. Toler seconded. All were in favor.

Board of Commissioners meeting adjourned at 11:35 a.m.

President
Attest:

Donna J. Lynam, Auditor